Remarks

The Office Action mailed June 14, 2004, has been carefully reviewed and the foregoing remarks are made in consequence thereof.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated June 14, 2004, for the above-identified patent application from September 14, 2004, through and including October 14, 2004. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of $110.00 to cover this extension of time request also is submitted herewith.

Claims 1-44 are pending in this application. Claims 1-44 stand rejected.

The objection to the Claims is respectfully traversed. Claims 25 (second occurrence) through Claim 43 have been renumbered to Claims 26-44. For at least the reasons above, Applicants respectfully request the objection to the claims be withdrawn.

The rejection of Claims 1-3, 6-9, and 27 under 35 U.S.C. § 102(e) as being anticipated by Campbell et al. (U.S. Pat. No. 6,208,974) is respectfully traversed

Campbell et al. describe a wellness plan administrative software program that is configured to run on a computer (120) that includes a scanner and a printer (242). The software system is implemented on a network configuration in a veterinary hospital that includes a pharmacy computer (216). The pharmacy computer is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The pharmacy computer then responds to requests to generate labels when a doctor enters a prescription during the medical exam. The pharmacy computer is connected to the printer to print prescription labels.

Notably, Campbell et al. do not describe nor suggest a computer configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage.

11

Claim 1 recites a veterinary inventory management system that includes "a computer...a scanning device capable of interfacing to said computer...at least one printer capable of interfacing to said computer...and a computer program which enables said computer to store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory...identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identify veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor...and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage."

Campbell et al. do not describe nor suggest the veterinary inventory management system recited in claim 1. Specifically, Campbell et al. do not describe or suggest a computer program which enables a computer to store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory, identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, identify veterinary product shortages by matching the actual products to the list of predetermined product levels, automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam. Accordingly, Campbell et al. do not describe a computer program configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Campbell et al.

Claims 2-3 and 6-9 depend from Claim 1. When the recitations of Claims 2-3 and 6-9 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-3 and 6-9 likewise are patentable over Campbell et al.

Claim 27 recites a computer programmed to "store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory...identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identify veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor...allow addition of non-standard items to a veterinary practice inventory... and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage using at least one of electronic mailing, facsimile, courier, or postal service delivery.

Campbell et al. do not describe nor suggest the computer recited in claim 27. Specifically, Campbell et al. do not describe or suggest a computer programmed to store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory, identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, identify veterinary product shortages by matching the actual products to the list of predetermined product levels, automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam. Accordingly, Campbell et al. do not describe a computer programmed to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each

predetermined veterinary product distributor based on each identified veterinary product shortage. For at least the reasons set forth above, Claim 27 is submitted to be patentable over Campbell et al.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-3, 6-9, and 27 be withdrawn.

The rejection of Claims 4-5, 10-25, and 28-44 under 35 U.S.C. § 103(a) as being unpatentable over Campbell et al. (U.S. Pat. No. 6,208,974) in view of Call (U.S. Pat. No. 6,418,441) is respectfully traversed.

Campbell et al. is described above. Call describes a method and apparatus for disseminating over the internet product information produced and maintained by product manufacturers using universal product codes (bar codes) as access keys. More specifically, a consumer can obtain product information by utilizing a bar-code scanner to capture universal product code information from all products in inventory, and then retrieve complete and accurate product description records for each product. Call also describes that the apparatus permits smaller and mid-size merchants to profitably and efficiently offer online order services to their customers. Specifically, Call describes that a purchasing module (501) presents printed reports and screen displays to assist purchasing agents. A module (502) generates purchase orders, and alerts purchasing agents of urgent or routine product ordering needs by evaluating supplies on hand and estimating the demands for each product to determine if supply levels will fall below the predetermined minimum stock quantities established for each product by the merchant. Accordingly, the retailer need not be concerned with the creation and maintenance of accurate information on the products sold, since the task is appropriately born by the product manufacturer which has that information. Therefore, neither a shared server (430) nor a retail inventory control system (420) need store or maintain descriptive information about the products.

Notably, Call does not describe nor suggest nor suggest a computer configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Campbell et al. according to the teachings of Call. More specifically, it is respectfully submitted that a prima facie case of obviousness has not been established. As explained by the Federal Circuit, "to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." In re Kotzab, 54 USPQ2d 1308, 1316 (Fed. Cir. 2000). MPEP 2143.01. Accordingly, Applicant has not been provided with any reference which teaches a computer configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a method wherein as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the distributor presents printed reports and screen displays to assist purchasing agents and generates purchase orders for the retailer.

Moreover, the Federal Circuit has determined that:

> [I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

In re Fitch, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). Further, under Section 103, "it is impermissible . . . to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA 1965). Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's

disclosure. <u>In re Vaeck</u>, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the cited art, nor any reasonable expectation of success has been shown.

Although it is asserted within the Office Action that the motivation for combining Campbell et al. with Call is that it would be obvious to a skilled artisan to employ a well-known hand-held scanner to the teachings of Campbell et al. in order to provide users with mobility when they use the system, Applicant respectfully submits however, that neither Campbell et al. nor Call describe or suggest a computer or program configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage.

Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone.

Specifically, Claims 4-5 and 10- 25 depend from Claim 1 which recites a veterinary inventory management system that includes "a computer...a scanning device capable of interfacing to said computer...at least one printer capable of interfacing to said computer...and a computer program which enables said computer to store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory...identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identify veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor...and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage."

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the veterinary inventory management system recited in claim 1. Specifically, neither Campbell et al. or Call describe or suggest a computer program which enables a computer to store in a central database a list including predetermined product levels required for maintaining a

veterinary practice inventory, identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, identify veterinary product shortages by matching the actual products to the list of predetermined product levels, automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the distributor presents printed reports and screen displays to assist purchasing agents and generates purchase orders for the retailer. Accordingly, neither Campbell et al. or Call describe a computer program configured to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Campbell et al. in view of Call.

Claims 4-5 and 10- 25 depend from Claim 1. When the recitations of Claims 4-5 and 10- 25 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 4-5 and 10- 25 likewise are patentable over Campbell et al. in view of Call.

Claims 28-34 depend from Claim 27 which recites a computer programmed to "store in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory…identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory…identify veterinary product shortages by matching the actual products to the list of predetermined product levels…automatically assign each identified veterinary

17

product shortage to a predetermined veterinary product distributor...allow addition of non-standard items to a veterinary practice inventory... and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage using at least one of electronic mailing, facsimile, courier, or postal service delivery.

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the computer recited in claim 27. Specifically, neither Campbell et al. or Call describe or suggest a computer program which enables a computer to store in a central database a list including a predetermined product levels required for maintaining a veterinary practice inventory, identify the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, identify veterinary product shortages by matching the actual products to the list of predetermined product levels, automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the distributor presents printed reports and screen displays to assist purchasing agents and generates purchase orders for the retailer. Accordingly, neither Campbell et al. or Call describe a computer program which enables a computer to automatically assign each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically prepare and transmit a product order to each predetermined veterinary product distributor based on each identified veterinary product shortage. For at least the reasons set forth above, Claim 27 is submitted to be patentable over Campbell et al. in view of Call.

Claims 28-34 depend from Claim 27. When the recitations of Claims 28-34 are considered in combination with the recitations of Claim 27, Applicant submits that dependent Claims 28-34 likewise are patentable over Campbell et al. in view of Call.

Claim 35 recites a method for creating an inventory control using a veterinary inventory management system wherein the method includes "displaying a maintenance list...selecting an inventory controls link from the maintenance list...displaying an inventory controls screen...selecting a set product controls link...adding products from a product UPC list...and saving the added product entries."

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the computer recited in claim 35. Specifically, neither Campbell et al. or Call describe or suggest a method for creating an inventory control using a veterinary inventory management system wherein the method includes selecting a set product controls link, adding products from a product UPC list, and saving the added product entries. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Specifically, neither Campbell et al. nor Call describe selecting a set product controls link, adding products from a product UPC list, and saving the added product entries. For at least the reasons set forth above, Claim 35 is submitted to be patentable over Campbell et al. in view of Call.

Claim 36 depends from Claim 35. When the recitations of Claim 36 are considered in combination with the recitations of Claim 35, Applicant submits that dependent Claim 36 likewise is patentable over Campbell et al. in view of Call.

Claim 37 recites a method for placing replenishment orders using a veterinary inventory management system. The method includes "storing in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory...identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identifying veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assigning each identified veterinary

19

product shortage to a predetermined veterinary product distributor...automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage...displaying a number of orders that have been created...selecting one of the orders...and sending the order using at least one of electronic mailing, facsimile, courier, or postal service delivery."

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the method recited in claim 37. Specifically, neither Campbell et al. or Call describe or suggest a method that includes storing in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory, identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, automatically assigning each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the distributor presents printed reports and screen displays to assist purchasing agents and generates purchase orders for the retailer. For at least the reasons set forth above, Claim 37 is submitted to be patentable over Campbell et al. in view of Call.

Claims 38-39 depend from Claim 37. When the recitations of Claims 38-39 are considered in combination with the recitations of Claim 37, Applicant submits that dependent Claims 38-39 likewise are patentable over Campbell et al. in view of Call.

Claim 40 recites a method for placing supplemental orders using a veterinary inventory management system. The method includes "storing in a central database a list

including predetermined product levels required for maintaining a veterinary practice inventory...identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identifying veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assigning each identified veterinary product shortage to a predetermined veterinary product distributor...automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage, wherein automatically creating a product order includes displaying an order form screen...selecting a supplemental order form link from the order form screen...displaying a new order screen...entering at least one of a purchase order number, a distributor's name, a charge number, a ship to arrive by date, and comments for items within the supplemental order...moving the items to an order...and sending the order."

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the method recited in claim 40. Specifically, neither Campbell et al. or Call describe or suggest a method that includes storing in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory, identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, automatically assigning each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the distributor presents printed reports and screen displays to assist purchasing agents and

generates purchase orders for the retailer. For at least the reasons set forth above, Claim 40 is submitted to be patentable over Campbell et al. in view of Call.

Claim 41 recites a method of updating an inventory using a veterinary inventory management system. The method includes storing in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory...identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory...identifying veterinary product shortages by matching the actual products to the list of predetermined product levels...automatically assigning each identified veterinary product shortage to a predetermined veterinary product distributor...displaying an examine inventory screen...selecting to add new products from the screen...saving the new product additions into the inventory...viewing the inventory...and automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage.

Neither Campbell et al. nor Call, alone or in combination, describe or suggest the method recited in claim 41. Specifically, neither Campbell et al. or Call describe or suggest a method that includes storing in a central database a list including predetermined product levels required for maintaining a veterinary practice inventory, identifying the actual products maintained within the veterinary practice inventory by scanning the plurality of products currently within the veterinary practice inventory, automatically assigning each identified veterinary product shortage to a predetermined veterinary product distributor, and automatically creating a product order for each predetermined veterinary product distributor based on each identified veterinary product shortage. Rather, Campbell et al. describe a wellness plan administrative software program that includes a pharmacy computer that is used to fill prescriptions, conduct inventory control on pharmaceuticals and medical supplies, order supplies, and provide database search functions. Specifically, and in contrast to the present invention, Campbell et al. also describe that as products and services are provided during a visit, the provider team enters them into the computer. The computer then responds to requests to generate labels when a doctor enters a prescription in a prescription screen during the medical exam, and Call describes a computer that is maintained by a product distributor that is configured to maintain retailer product information such that the retailer need not be concerned with the creation and maintenance of accurate information on the products sold. Moreover, when the distributor detects that a retailers products are low the
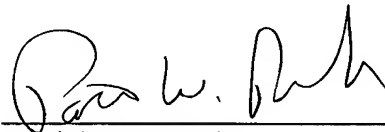
distributor presents printed reports and screen displays to assist purchasing agents and generates purchase orders for the retailer. For at least the reasons set forth above, Claim 41 is submitted to be patentable over Campbell et al. in view of Call.

Claims 42-44 depend from Claim 41. When the recitations of Claims 42-44 are considered in combination with the recitations of Claim 41, Applicant submits that dependent Claims 42-44 likewise are patentable over Campbell et al. in view of Call.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 4-5, 10-25, and 28-44 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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